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APPLICANT(S): GLUKHOVSKY, Arkady
SERIAL NO.: 10/808,574
FILED: March 25, 2004
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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 11-34 are pending in the application, of which claims 21-34 are withdrawn from consideration.

Claims 11-20 have been rejected.

Claim 11 has been amended in this submission. Applicants respectfully assert that the amendment to the claim does not add any new matter.

Telephone Interview

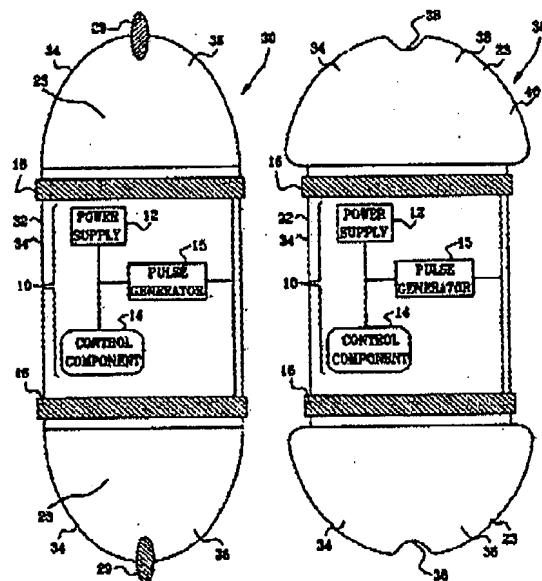
Applicants wish to thank Examiner Smith for granting an interview after final Office action in this case. In the telephone interview, the Gross and Iddan references were discussed with respect to claim 11.

CLAIM REJECTIONS**35 U.S.C. § 103 Rejections**

In the Office Action, the Examiner rejected claims 11-20 under 35 U.S.C. § 103(a), as being obvious over Gross (2004/0253304) in view of Iddan (2003/0214580). Applicants respectfully traverse this rejection in view of the remarks that follow.

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Gross discloses an apparatus for drug administration. Particularly, Gross discloses an “ingestible, electrically-assisted, drug-delivery system . . . As a water-soluble plug 29 (FIG. 14A) dissolves, an orifice 38 is opened (FIG. 14B). . .” (Gross, para. 364)



Gross, Fig. 14A

Gross, Fig. 14B

Regarding claim 11, as amended, Gross does not teach or suggest “a substantially spherical housing; and a detachable appendage, wherein the housing and the detachable appendage form an oblong capsule shape when joined together”, as recited in amended independent claim 11. The Examiner himself indicates that “Gross does not disclose that the housing is spherical”.

The Examiner refers to the Iddan reference, which discloses a capsule endoscope, which may have “a body shaped as a capsule or elongated member. . . Other suitable shapes and sizes, such as spherical. . . may be used. . .” (Iddan, para. 22)

However, if one of ordinary skill in the art would have taken the teachings of Gross and Iddan together, the resulting capsule would be a spherical capsule endoscope with a dissolvable plug. Nothing in the Gross or Iddan references teaches or discloses “a

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substantially spherical housing; and a detachable appendage, wherein the housing and the detachable appendage form an oblong capsule shape when joined together."

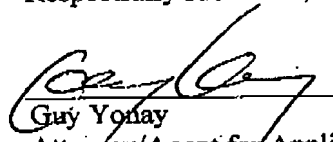
Claims 12-20 depend directly or indirectly from claim 11, and therefore include all the limitations of this claims. At least for this reason claims 12-20 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. § 103(a) over Gross in view of Iddan, and allow all pending claims.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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Dated: July 16, 2007

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